

30. (Amended) A method of treating a symptom associated with rheumatoid arthritis in a patient in need of such treatment, comprising administering to the patient a rheumatoid arthritis symptoms treating effective amount of erythropoietin over a treatment period, wherein said treatment period is [at least] 6 weeks, wherein said symptom is at least one symptom selected from the group consisting of morning stiffness, pain, loss of grip strength, painful joints, and swollen joints.

31. The method of claim 20, wherein the period comprises [is at least] 6 weeks of treatment.

REMARKS

The amendment to the claims is made to more particularly point out and specifically claim the subject matter of what applicants regard as the preferred embodiments of the present invention.

With the cancellation of claim 17, claims 14-16, 18-26, 30 and 31 are pending.

Claim Rejections -- 35 U.S.C. §112, First Paragraph

I. Claims 14-17, 21 and 22 were rejected because the Office Action asserts that "wherein the patient does not have anemia of chronic disease or rheumatoid arthritis", is not supported by the specification and original claims. The Office Action asserts that

the specification and original claims merely teaches the treatment of patients with rheumatoid arthritis with EPO to alleviate symptoms. Applicants respectfully disagree.

Page 2, lines 6-11, of the specification discloses that the use of EPO in the present invention in rheumatoid arthritis "is more specifically described as explanatory example for the invention." In other words, based on the specification, the present invention involves the use of EPO, wherein the use should not be limited to rheumatoid arthritis (rheumatoid arthritis is one of the examples of the health disorders that the present invention aims at treating). Claims 14-17 are drawn to a method of treating chronic inflammation, as supported by page 3, lines 3-7, of the specification which discloses using EPO for treating chronic inflammations.

Regarding the rejection that there is no support for "wherein the patient does not have anemia of chronic disease" in the last line of claim 14, applicants note that page 3, lines 34-35, of the specification discloses that EPO can be used to treat patients not having anemia. To advance prosecution, applicants have delete "of chronic disease or rheumatoid arthritis" from claim 14. Applicants submit that the limitation "wherein the patient does not have anemia" is supported by page 3, lines 34-35, of the specification.

II. Claims 18-20 and 23-26 were rejected because the Office Action asserts that the specification and original claims do not support "wherein the treatment period is at least 3 weeks". The Office Action asserts that the specification supports a treatment period of 3 or 6 weeks.

Applicants note that page 6, lines 18-19, of the specification discloses an example of treating rheumatoid arthritis patients with EPO for 6 weeks. Page 7, lines 22, 29 and 30, of the specification describes changes in erythrocyte sedimentation rate (ESR) or C-reactive protein (CRP) level at the third week of treatment. Table III in page 11 shows the effects of a 3-week or 6-week EPO treatment on ESR and CRP. Tables IV and V in pages 12 and 13 show the effects of a 3- or 6-week treatment with EPO. Table II in page 10 shows the effects of a 3-, 4-, 5- or 6-week EPO treatment. Thus, applicants submit that the specification supports an EPO treatment of 3 weeks onward.

Withdrawal of the new matter rejections is requested.

### Conclusion

With the above amendments and reasoning, applicants respectfully submit that the application is in a condition for allowance. A Notice of Appeal is attached to obtain time for any minor amendment, if necessary, to put the application in a condition for allowance (applicants sincerely request that the Examiner contact the undersigned to resolve minor issues, if any).

In case this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2300.

Respectfully submitted,

Arent Fox Kintner Plotkin & Kahn, PLLC

*King L. Wong*

King L. Wong  
Attorney for Applicant(s)  
Registration No. 37,500

Atty. Docket No. 108214-07002

1050 Connecticut Avenue, N.W., Suite 600  
Washington, D.C. 20036-5339  
Tel.: (202) 857-6000  
Fax: (202) 638-4810

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Enclosures: Petition for Extension of Time;  
Notice of Appeal

